

RESOLUTION 36-2005

A RESOLUTION ESTABLISHING PRIORITY FOR DISPERSAL OF PUBLIC RECORDS TO COMPLY WITH MCA 2-6-405 ITEM 2 (C)

WHEREAS, the 2001 Legislature passed Senate Bill 443 henceforth codified a MCA 2-6-405 which went into effect October 1, 2001. This law requires local governments to give a 180-day notice before they may destroy any public record that is 10 years old or older. The notice is only required to be given to entities that have made it known they are interested in receiving the notice by subscribing to the Secretary of State List-serve; and

WHEREAS, during this 180-day period, groups may contact the local government and make arrangements to transfer custody of the documents to a new organization. The bill further prioritizes the entities in order of consideration as: The Montana Historical Society/State Archives; Montana public and private universities and colleges; Local historical museums; Local historical societies; Montana genealogical groups; and the general public. If records are not claimed after 180 days, they may be destroyed; and

WHEREAS, the Local Government Records Advisory Committee as authorized by MCA 2-6-405 has established simple yet effective procedures for local governments to use when complying with MCA 2-6-405; and

WHEREAS, it is important that Jefferson County establish a priority for dispersal of public records in the event that more than one organization requests custody of the records slated for destruction that are older than 10 years old.

NOW, THEREFORE, BE IT RESOLVED, by the Jefferson County Commissioner that the following procedure is hereby established:

Section 1. In the event that more than one organization requests any public records of this organization slated for destruction, the decision will be based on the priority listed in MCA 2-6-405.

The priority list for Jefferson County shall be:

1. The Montana Historical Society/State Archives
2. Montana public and private universities and colleges
3. Local historical museums
4. Local historical societies
5. Montana genealogical groups

6. General public

Dispersal of any public records will follow the priority list above. Should more than one entity in the same category request the public records, then the public records shall be dispersed on a first-come, first-served basis.

Section 2. No decision will be made as to which entity may receive the public records until the 180 days has passed. Then and only then will the local government apply the dispersal criteria.

Section 3. As per item 3(b) of MCA 2-6-405, the entity requesting the records is required to pay all costs associated with the transfer.

Section 4. The records shall be transferred within the time frame agreed upon by the local government entity and the entity requesting the records. If the entity that requested the records does not remove the records within the agreed upon time frame, the records will be offered to the next entity that showed an interest in them.

Section 5. If no one contacts the local government expressing an interest in the record within the 180 day period, the records will be destroyed.

DATED this 29th day of November, 2005.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER